



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 871

**Assembly Substitute
Amendment 1**

Memo published: January 23, 2006

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Current law generally imposes a criminal sanction on a person who, at the time of issuance of a check, intends that the check not be paid. [s. 943.24, Stats.] The criminal statute does not apply to a post-dated check or to a check given for “past consideration” (generally, something previously received), except a payroll check. [s. 943.24 (4).]

Assembly Bill 871 eliminates the exception in the worthless check statute for post-dated checks and checks given for past consideration.

Assembly Substitute Amendment 1, like the original bill, eliminates the general exception for post-dated checks and checks given for past consideration but maintains an exception for a post-dated check given to a person licensed under s. 138.09, Stats. (for example, a payday lender licensed under that section) who agrees, for a fee, to hold a check for a period of time before negotiating or presenting the check for payment.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Towns. The Assembly Committee on Judiciary recommended adoption of the substitute amendment by a vote of Ayes, 7; Noes, 0. The committee recommended passage of the proposal, as amended, by a vote of Ayes, 7; Noes, 0.

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